

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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#12/B

APPLICANT: Vincent Bryan et al ATTY. DOCKET NO.: P98,0775
SERIAL NO: 08/856,846 GROUP ART UNIT: 3738
FILED: 05/15/97 EXAMINER: Nguyen, T.
INVENTION: "HUMAN SPINAL DISC PROSTHESIS"

Assistant Commissioner of Patents
Washington, D.C. 20231



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PRELIMINARY AMENDMENT

S I R:

Before examination of this Continuing Application, please amend the application as follows:

In the Claims:

Please cancel Claim 1 and substitute the following therefor:

6. A vertebral disc endoprosthesis comprising relatively rigid superior and inferior concaval-convex elements, each element having an outer surface of predetermined convexity and unreticulated surface roughness for engaging adjacent bone structure which has been milled to mate with said outer convex surface and for encouraging bone ingrowth into the mating outer convex surface, each concaval-convex element also having an inner concave surface; the endoprosthesis also comprising a solid but relatively resilient convex nuclear body located between the confronting concave surfaces of the adjacent concaval-convex elements, the nuclear body engaging but being separate from the adjacent concave surfaces to permit sliding arcuate movement of the concaval surfaces over the nuclear body.

Please amend Claim 2 as follows:

Please change "according to Claim 1..."--according to Claim 6--.

In Claim 3, please change "according to Claim 1..."--according to Claim 6--.

REMARKS

This Preliminary Amendment substitutes Claim 6 for originally-presented Claim 1, the only independent claim in the application. Thus, Claims 2-6 are now pending.

As noted in the parent application, formal drawings will be submitted when the application is allowed.